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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,260	12/02/2003	Herbert Meyerle	S118.12-0003	3376

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EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,260

Applicant(s)

MEYERLE, HERBERT

Examiner

Christopher Boswell

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB08)
Paper No(s)/Mail Date 12/2/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION***Drawings***

The drawings are objected to because the cross-hatching is not compliant with the requirements set forth in MPEP §608.02. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because the use of phrases that can be implied, such as “The present invention”, should be avoided. Correction is required. See MPEP § 608.01(b).

Art Unit: 3676

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

Claim 5 is objected to because of the following informalities: line 3 of claim 5 recites "sis", the examiner believes this is a typographical error, and should be --is--.

Claim 7 is objected to because of the following informalities: line 2 of claim 7 recites "ferrit", the examiner believes this is a typographical error, and should be --ferrite--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3676

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5-15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent Number 5,447,047 to Lin.

Lin discloses a lock for a door having a locking cylinder body (3), a knob (3) for the outside of the door to be locked, a deactivation member (column 2, lines 10-15) which is able to deactivate the knob so that opening of the door using the knob is not possible, the deactivation member is able to be electronically actuated, and an access control means (11) which in response to an authorized transponder signal (column 2, lines 10-15) permits opening of the door by making it possible for a user to actuate the knob from outside of the door in order to open it, wherein the access control means comprising electronic (13) and mechanical (5) elements is located within the locking cylinder body, as in claim 1.

Lin also disclose the lock body is adapted and sized to be introduced into a door (column 1, lines 9-10), as in claim 2, and where the deactivation member is adapted to deactivate the knob such that idle movement of the knob is possible (column 3, lines 28-37), as in claim 3, as well as the access control means has means for exchanging a wireless signal with a transponder a verification means for verifying whether or not the transponder is authorized (column 2, lines 10-15) and, as in claim 5, further comprising a battery energizing the access control means upon response of a request signal from a transponder (column 2, lines 10-17), as in claim 6.

Lin further discloses the access control means comprises a ferrite bar antenna which is also located within the cylindrical lock body (column 2, lines 10-17), as in claim 7, as well as the access control means is adapted to communicate with a transponder by means of an alternating

Art Unit: 3676

magnetic field (column 2, lines 10-17), as in claim 8, and protection means (33) for protecting against drilling or tampering with the lock, as in claim 9.

Lin additionally discloses an engagement means (5) for transmitting a movement as well as corresponding forces and/or moments, the engagement means having a drive mechanism (35) and a take-off mechanism (51), wherein the drive mechanism and the take-off mechanism are coupled a coupling element (351) in such a manner that in a decoupled state a movement of the drive mechanism causes a movement of the coupling element, wherein the movement of the coupling element is not sufficient for transmitting a movement of the drive mechanism to the take-off mechanism so that transmission of movement is allowed in the coupled state but not in the decoupled state (column 3, lines 13-27), as in claim 10, wherein the drive mechanism and take off mechanism are coupled via the coupling element in such a manner that in the decoupled state a rotational movement of the drive mechanism causes an essentially rotational movement (column 3, lines 13-27) of the coupling element and that in a coupled state a rotational movement of the drive mechanism essentially causes a rotational movement of the take-off mechanism, as in claim 11.

Lin also discloses a transponder for a door lock having an access control means (11) having means for exchanging a wireless data signal (column 2, lines 10-15) with the access control means of the door lock, and means for detecting biometric information of a user, as in a fingerprint (column 2, lines 10-15), as in claim 13, wherein transmission of the data signal to the access control means of the lock is enabled or disabled depending on the biometric information detected (column 2, lines 10-17), as in claim 12.

Art Unit: 3676

Lin further discloses a lock for a door having a locking cylinder body (3), a knob (3) for the outside of the door to be locked, a deactivation member (column 2, lines 10-15) which is able to deactivate the knob so that opening of the door using the knob is not possible, the deactivation member is able to be electronically actuated, and an access control means (11) permits opening of the door by making it possible for a user to actuate the knob from outside of the door in order to open it, wherein the access control means comprising electronic (13) and mechanical (5) elements is located within the locking cylinder body, and a transponder having means for exchanging a wireless data signal with the access control means of the lock (column 2, lines 10-15) as in claim 14.

Lin additionally discloses a method for securing a lock for a door by providing a lock body being of generally cylindrical shape and being able to be introduced into a door (column 2, lines 10), providing a knob for the outside of the door to be locked (column 2, lines 4-17), the knob being able to be actuated from the outside of the door in order to open the door from the outside, providing a deactivation member (column 3, lines 25-37) which is able to deactivate the knob so that it cannot be actuated in order to open the door from the outside, providing an access control means (column 2, lines 4-17) which in response to a signal of an authorized transponder permits opening of the door by making it possible for the user to actuate the knob from the outside of the door in order to open it (column 3, lines 25-37), and providing the access control means within the cylindrical lock body (column 2, lines 4-17), the access control means comprising electronic and mechanical elements, as in claim 15.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin, as applied to claims 1-3 and 5-15 above.

Lin discloses the invention substantially as claimed. More particularly, Lin discloses that the deactivation member is adapted to deactivate the knob such that movement of the knob is possible. However, Lin does not disclose that the deactivation member is adapted to deactivate the knob such that movement of the knob is blocked (column 3, lines 28-37). Wherein, it is possible to reverse the direction to which the deactivation member actuates, so that instead of allowing movement of the knob, it would be possible to block movement of the knob. The reversal of components in a prior art reference, where there is no disclosed significance to such reversal, is well-established to be no more than a design consideration within the skill of the art. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to reverse the direction the deactivation member actuates, by changing the direction in which current flows through the deactivation member, such that it would deactivate the knob such that movement of the knob is blocked in order to alter how the lock of the door functions.

Art Unit: 3676

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to electrically actuated locks:

U.S. Patent Number 6,487,884 to Constantinou, U.S. Patent Number 6,418,765 to Chiu, U.S. Patent Number 6,334,348 to Ming-Chih, U.S. Patent Number 6,062,612 to Lin, U.S. Patent Number 5,960,656 to Yao, U.S. Patent Number 5,040,391 to Lin, U.S. Patent Number 5,010,752 to Lin.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (703) 305-4067. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CJB *CB*
February 14, 2005

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600